

Wolff Law Offices, PLLC
Response To Election/Restriction and Amendment

Patent Application
Appl. Ser. No. 10/657,189

REMARKS

Applicant hereby submits this Response and Amendment to respond to the Election/Restriction notice dated March 31, 2006. Claims 1-51 have been examined. Claims 9, 15, 19, 24, 25, 28, 29, 33, 43, 49, 50 and 51 have been amended to more clearly claim the invention of the subject application and correct various typographical errors. Applicants note for the record that these claim amendments are made to facilitate the Examiner's understanding that all claims are related and that none of the claim amendments are made for reasons of patentability.

The Examiner restricted the claims under 35 USC 121 to either Group I having claims 1-23, drawn to a method of diagnosing a working condition of a catalyst, Group II having claims 24-28 and 50, drawn to a method of exhaust gas treatment having means (sensor) to analyze composition of exhaust gas, and Group III, having claims 29-49 and 51 drawn to a method for increasing heating rates of a catalytic converter at cold start condition of an engine. This rejection is traversed because Applicant believes that the claims are related and that no additional burden will be required to examine all groups of claims given that classes 60, subclass 277, claims 60, subclass 276 and class 60, subclass 284 will need to be searched regardless of which group of claims is selected. Further, Applicant notes for the record that the parent patent application, now U.S. Patent No. 6,651,422 had been searched by the Examiner in classifications 60/ 277, 60/274, 60/284, and 60/285, without restricting the claims. This is directly analogous to the present patent application. Reconsideration is respectfully requested.

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The Examiner stated that the inventions of Groups I, II, and II are unrelated.

Applicant respectfully disagrees. As shown throughout the specification of the present application, the heating of the catalyst at cold start, varying the gas treatment, and diagnosing a catalyst may each be used as part of the various embodiments directed at operating and diagnosing a catalytic converter system. Certainly, the steps may be used separately. But, contrary to the Examiner's statement, they are clearly disclosed as "capable of use together." (See, for example, the Summary section of the specification.) As noted in paragraph 20, the "invention provides methods or controlling exhaust gases from an engine's individual cylinders to improve overall catalytic converter performance, and may do so while also diagnosing proper operation" Further, to make the relationship clear, Applicant has amended the claims so that each group now relates to diagnosing a catalyst too. Thus, Applicant respectfully and strenuously submits that the all the claims in the application should be examined together. It simply is not possible for the Examiner to not search any of the class/subclass designations identified in the Office Action regardless of which claims are selected. All these areas of the art must be searched regardless. There is no unreasonable burden to searching by examining all the claims together. In fact, it is more efficient. Therefore, all of claims 1-51 should be examined together.

However, as required under 35 USC 121, Applicants hereby provisionally elect one of the groups, Group I having claims 1-23 for initial Examination.

If for any reason the Examiner believes that the present application is not now in

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condition for allowance, the Examiner is requested to contact the undersigned at the
telephone number listed below or on my mobile telephone at 703-731-7220.

Respectfully submitted,



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